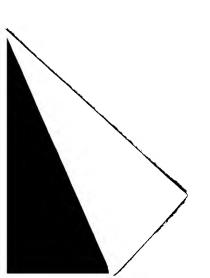


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FIRST NAMED INVENTOR APPLICATION NO. FILING DATE ATTORNEY DOCKET NO. CONFIRMATION NO. 09/661,139 09/13/2000 1709 7708 John Griebat **EXAMINER** 7590 04/21/2004 Lars S Johnson ROSENBAUM, MARK The Quaker Oats Company ART UNIT PAPER NUMBER 321 North Clark Street Mail Code 25-7 3725 Chicago, IL 60610 DATE MAILED: 04/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.



	Application No.	Applicant(s)
." Office Action Summary	09/661,139	GRIEBAT ET AL.
	Examiner	Art Unit
TI MAII INO DATE dati a comunication de	Mark Rosenbaum	3725
The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply		
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).		
Status		
<ol> <li>Responsive to communication(s) filed on <u>15 September 2003</u>.</li> <li>This action is <b>FINAL</b>. 2b) This action is non-final.</li> <li>Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i>, 1935 C.D. 11, 453 O.G. 213.</li> </ol>		
Disposition of Claims		
4) ☐ Claim(s) 1-6 is/are pending in the application.  4a) Of the above claim(s) is/are withdrawn from consideration.  5) ☐ Claim(s) is/are allowed.  6) ☐ Claim(s) 1-6 is/are rejected.  7) ☐ Claim(s) is/are objected to.  8) ☐ Claim(s) are subject to restriction and/or election requirement.		
Application Papers		
9) The specification is objected to by the Examiner.  10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.		
Priority under 35 U.S.C. § 119		
<ul> <li>12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).</li> <li>a) All b) Some * c) None of:</li> <li>1. Certified copies of the priority documents have been received.</li> <li>2. Certified copies of the priority documents have been received in Application No.</li> <li>3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).</li> <li>* See the attached detailed Office action for a list of the certified copies not received.</li> </ul>		
Attachment(s)  1) Notice of References Cited (PTO-892)  2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date	4) Interview Summary Paper No(s)/Mail Da 5) Notice of Informal P 6) Other:	

Application/Control Number: 09/661,139

Art Unit: 3725

## **DETAILED ACTION**

## Response to Arguments

Applicant's arguments with respect to claims 1-6 have been considered but are most in view of the new ground(s) of rejection.

## Claim Rejections - 35 USC § 103

Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Giguere '313 (Giguere) in view of Higgins. Figure 9 of Giguere discloses a short flow grain milling process, the 'short' process being compared to the 'long' process of figure 5. The apparatus used within this process is not mobile thus restricting it's effective use. Higgins solves this problem by disclosing a similar process including the use of mobile apparatus; see figure 3. In order to more efficiently use the apparatus within the process, it would have been obvious for one of ordinary skill in the art at the time of the invention to modify Giguere by making the apparatus mobile, taught to be desirable by Higgins. The exact form of the mobility e.g. train, etc. would have been an obvious design choice only once the concept of mobility was known as in Higgins. For claim 6, the omission of elements e.g. second sifter, and their intended use does not result in patentable subject matter; in re Wright 145 USPQ 182.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Rosenbaum whose telephone number is 703-308-1788. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alan Ostrager can be reached on 703-308-3136. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mark Rosenbaum Primary Examiner Art Unit 3725

MR